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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,233	02/12/2002	Christian Rappel	112740-312	6748

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EXAMINER

MCCLELLAN, JAMES S

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,233

Applicant(s)

RAPPEL, CHRISTIAN

Examiner

James S McClellan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Amendment

1. Applicant's submittal of an amendment was entered on February 17, 2004, wherein:

claims 9-16 are pending and

claims 9, 14, and 16 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,956,391 (Melen et al.) in view of U.S. Patent No. 6,029,150 (Kravitz).

Regarding **claim 9**, Melen et al. discloses a method for electronically processing purchasing and sales transactions using the Internet (11), wherein goods and services may be ordered via at least one personal computer (1) via an access node, and the goods and services are invoiced and paid for electronically (see paragraph bridging columns 3-4), the method comprising the steps of: processing, via the personal computer (1), an order data transfer via a switching office (4, see column 4, lines 28-52); interrupting, at least briefly, access to the Internet (11) starting from the switching office (4) after confirmation of the order; and registering, with respect to billing, the order within a respective terminal-related telephone

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account file via customary processing of the services for use of the telephone network (see column 7, lines 3-8); [**claim 11**] storing the order data and the billing data in a separate memory area of the telephone account file (see column 9, lines 50-67); [**claim 12**] order data and the billing data are stored in coded form (see column 9, lines 50-67); [**claim 14**] establishing a data link to the switching office (see Figure 1) after a menu item has been called and authenticated via the personal computer (1), wherein it is possible to activate the menu even during an on-line state of the personal computer and access the Internet (14); and [**claim 15**] loading the order data onto the terminal via the Internet (11); registering the order data at the service provider (see Figure 3); transmitting the billing data associated with the order, in a separate link, from the terminal memory to the switching office (see Figure 3); registering the billing data at the switching office in a debit file after authenticity checking; and transferring registration of accounts receivable to the service provider with an identifier as a confirmation (see column 8, lines 56-65).

Regarding **claim 16**, Melen et al. disclose An apparatus for electronically processing purchasing and sales transactions using the Internet (14), wherein goods and services are invoiced and paid for electronically, comprising a terminal (1) which is capable of communication and a display (see Figure 1), wherein the apparatus is connected to a switching office (4) via a telephone network ("PSTN", see Figure 1), the switching office (4) setting up access to an Internet access computer via a data line (see Figure 1), the switching office (4) having an internode module for transforming incoming telephone data when data is transferred between the Internet access computer and the apparatus into a format which is suitable for display and storage in the terminal and for transforming data records derived from the Internet data transfer into a switching-office format, and wherein the apparatus processes order data

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transfer via the switching office (4), access to the Internet (14) starting from the switching office (4) being at least briefly interrupted registering, with respect to billing, the order within a respective terminal-related telephone account file via the customary processing of the services for use of the telephone network (see column 7, lines 3-8).

Melen et al. fails to expressly disclose creating a confirmation of the transaction and checking for registered parties with the use of a PIN.

Kravitz teaches creating an order confirmation (see column 24, lines 57-65) and checking for registered parties with the use of a PIN (see column 25, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Melen et al. with the express disclose of transaction confirmation and PIN authorization as taught by Kravitz, because PIN's provide better transaction security and confirmations allow both parties to be aware of the final transaction.

Response to Arguments

4. Applicant's arguments filed February 17, 2004 have been fully considered but they are not persuasive.

On page 6, second paragraph, Applicant notes that the specification has been amended to clarify the priority of Applicant's invention.

On page 6, third paragraph, Applicant notes that claims 9, 14, and 16 have been amended to overcome 35 U.S.C. § 112 rejections. In response to the current amendment of claims 9, 14, and 16, the 35 U.S.C. § 112 rejections based on a lack of antecedent basis are withdrawn.

On page 6, fifth paragraph, Applicant argues that Melen fails to disclose the limitation of “interrupting, at least briefly, access to the Internet starting from the switching office after confirmation of the order” as recited in claims 9 and 16. During the transmission of order confirmation, it is inherent that processing functions between the user and the telephone service provider will interrupt Internet service. *Merriam Webster's Collegiate Dictionary*, tenth edition, defines “interrupt” as follows: to stop or hinder by breaking in. If the user’s computer is communicating with the telephone service provider’s computer, the user’s computer will inherently be interrupted from communicating across the Internet. Additionally, the combination as set forth in the rejection of claims 9-16 includes features taught by Kravitz. As set forth above, Kravitz teaches the use of a PIN confirmation process. Internet communication will be interrupted during the user’s entry of the PIN.

On page 6, final paragraph, Applicant argues that Melen does not disclose “establish a menu-prompting billing access to the switching office of a telephone network operator in order to register, with respect to billing, the order within a respective terminal-related telephone account file via processing of the services for use of the telephone network” as recited in claims 9 and 16. The combination of the Melen and Kravitz disclose all the limitations required by claims 9-16. In this case, Melen discloses billing a user for services or goods directly to the user’s telephone account file (see paragraph bridging columns 3-4). Kravitz teaches establishing a menu-prompting billing access during the request for PIN (see column 25, lines 15-19). Once confirmation is made using the PIN, the user’s charges are registered with his account.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jim McClellan whose telephone number is (703) 305-0212. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703) 308-5183.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks
Washington D.C. 20231

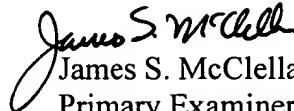
or faxed to:

(703) 872/9306 (Official communications) or

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(703) 746-3516 (Informal/Draft communications).

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.


James S. McClellan
Primary Examiner
A.U. 3627

jsm
April 20, 2004